

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HERB L. FELTON,

Plaintiff(s)

vs.

PATRICK HURLEY, Warden

Defendant(s)

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Case Number: 1:01-cv-00488

Senior District Judge S. Arthur Spiegel

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that the Court hereby ADOPTS IN IT'S ENTIRETY the Magistrate Judge's Report and Recommendation (doc. 9). Petitioner's Petition for Writ of Habeas Corpus is DENIED WITH PREJUDICE. The Court hereby DECLINES to issue a certificate of appealability as to any of Petitioner's claims. Pursuant to 28 U.S.C. § 1915(a)(3), the Court hereby CERTIFIES that any appeal of this Order may not be taken in good faith, and Petitioner is therefore DENIED leave to proceed on appeal in forma pauperis.

9/22/04

James Bonini, Clerk

s/Kevin Moser

Kevin Moser

Deputy Clerk